

REMARKS

Claims 1-7 are currently pending in this application. In the Office Action, the Examiner has rejected Claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by *Soliman* (U.S. 6,321,090 B1).

Please amend Claims 1, 4 and 7 as set forth herein. No new matter has been added.

Regarding the rejections of Claims 1-7 under § 102(e), it is respectfully submitted that the position taken by the Examiner, namely that the subject matter of the present invention, which relates to searching Frequency assignments (FAs) of adjacent stations excluding a base station currently in communication with a mobile station, when performing a hard hand-off, is a conventional technology is not correct. On the contrary, the conventional technology relates to searching FAs of adjacent stations and a base station currently in communication with a mobile station as well, when performing a hard hand-off. This is described on page 2, line 7 ~page 3, line 18, and in detail on page 3, lines 14-16 of the Description of the Related Art.

The cited reference fails to disclose the feature of excluding a base station currently engaged in communication with a mobile station, when searching FAs. *Soliman* searches common FAs **without** excluding the base station currently in communication with a mobile terminal when performing a hard hand-off.

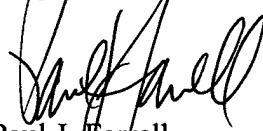
In addition, *Soliman* relates to a system for determining the location of a mobile transceiver by a Global Positioning System (GPS) to select a proper base station when performing a hard hand-off. Thus, the reference is different from the claims of the present application, which determine corresponding FAs by measuring pilot signal intensity values of the FAs of adjacent stations.

Based on at least the foregoing, withdrawal of the rejection of Claims 1-7 is respectfully requested.

Based on at least the foregoing Independent Claims 1, 4 and 7 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 5 and 6, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 5 and 6 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr